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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,660	11/02/2001	Kevin Lauren Cote	600.1177	7598
23280	7590	08/29/2003		
DAVIDSON, DAVIDSON & KAPPEL, LLC 485 SEVENTH AVENUE, 14TH FLOOR NEW YORK, NY 10018			EXAMINER	
			JIMENEZ, MARC QUEMUEL	
ART UNIT		PAPER NUMBER		
3726				
DATE MAILED: 08/29/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/005,660	COTE ET AL.
	Examiner Marc Jimenez	Art Unit 3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 July 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,4-8,23 and 24 is/are rejected.
- 7) Claim(s) 2,3,9-16,21 and 22 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11 July 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Drawings

1. The drawings were received on 7/11/03. These drawings are approved.

Claim Objections

2. **Claim 22** is objected to because of the following informalities: “the first strip” in line 2 should be - - the third strip - -. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 7, 8, and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lloyd (5,031,694) in view of Engelberts (4,336,642).

Lloyd teaches a method for making a roll (fig. 1) comprising: cutting **26** a first strip **12** of a first material so as to form a first web **36** with a plurality of first tabs **32** disposed one after the other and extending from the first web **36**, bending the plurality of first tabs **32** relative to the first web **36** so as to form a first strut strip **34** having the first tabs **32** extending from the first web **36** at an angle relative to a surface of the first web **36**, wrapping the first strut

strip 34 about a cylindrical form 10, the strut strip 34 following a helical path about the cylindrical form 10.

Lloyd teaches the invention cited with the exception of wrapping a second strip of a second material about projecting ends of the plurality of first tabs so as to form a cylindrical outer wall.

Engleberts teaches wrapping a second strip 33 of a second material about projecting ends of a plurality of first tabs 32 so as to form a cylindrical outer wall.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Lloyd with wrapping a second strip of a second material about projecting ends of the plurality of first tabs so as to form a cylindrical outer wall, in light of the teachings of Engleberts, in order to add reinforcement and facilitate wrapping of the first strip (as suggested by Engleberts at col. 4, lines 65-68).

Regarding the limitation “for a rotary printing press” in the preamble of claim 1, note that the preamble is generally not accorded any patentable weight where it merely recites the purpose of the process and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps are able to stand alone. *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976). See also MPEP 2111.02.

Regarding claim 7, Lloyd teaches that the first web 36 forms an inner wall of the roll.

Regarding claim 8, Lloyd in combination with Engelberts teach that the second strip of material 33 (see Engelberts) is wrapped so as to form the cylindrical outer wall disposed at a distance and the tabs 32 (see Engleberts) extend between the first web and the first web 36 (see Lloyd).

Regarding claim 23, Engleberts teaches that the second strip **33** contacts the first tabs **32**.

5. **Claims 4-6 and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lloyd in view of Engleberts as applied to claim 1 above, and further in view of Wiedenmann et al. (3,789,786).

Lloyd/Engleberts teach the invention cited with the exception of wrapping a third strip of a third material about the cylindrical form so as to form a substrate for the first web.

Wiedenmann et al. teach wrapping a second strip of a second material **5** about the cylindrical form so as to form a substrate for a first web **33**.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Lloyd/Engleberts with a second strip of a second material about the cylindrical form so as to form a substrate for the first web, in light of the teachings of Wiedenmann et al., in order to securely fasten the first web to the cylindrical form and in order to add structural support.

Lloyd/Engleberts /Wiedenmann teach the invention cited above with the exception of applying a layer of an adhesive to the substrate before wrapping the first web. Official notice is taken that at the time of the invention, it was well known to a person of ordinary skill in the art to have applied a layer of adhesive to the substrate before wrapping the first web, in order to firmly hold the first web in place.

Note that Wiedenmann teaches that the substrate **5** forms an inner wall of the roll because it is inside the outer walls **4 and 2**.

Allowable Subject Matter

6. **Claims 2, 3, 9-16, 21, and 22** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments with respect to **Claims 1, 4-8, 23, and 24** have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant states that the original feature of claim 8 of "wrapping second strip of a second material about projecting ends of the plurality of first tabs so as to form a cylindrical outer wall" has now been added to claim 1. However, it is noted that original claim 8 did not recite a "second strip", but rather a "third strip", making the scope of the claims as originally presented difficult to determine.

9. It is noted that applicant has not traversed the assertion of official notice in the last office action. Therefore, to have applied a layer of adhesive to the substrate before wrapping the first web is taken to be admitted prior art. See MPEP 2144.0. (C).

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Interviews After Final

11. Applicant note that an interview after a final rejection will not be granted unless the intended purpose and content of the interview is presented briefly, in writing (the agenda of the interview must be in writing) to clarify issues for appeal requiring only nominal further consideration. Interviews merely to restate arguments of record or to discuss new limitations will be denied. See MPEP 714.13 and 713.09.

Contact Information

12. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information. M.P.E.P. 203.08. The Group clerical receptionist number is (703) 308-1148.

Art Unit: 3726

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers or other general questions should be directed to Tech Center 3700 Customer Service at (703) 306-5648, or fax (703) 872-9301 or by email to CustomerService3700@uspto.gov.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Jimenez whose telephone number is **703-306-5965**. The examiner can normally be reached on **Monday-Friday, between 5:30 am- 2:00 pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 703-308-1513. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Other helpful telephone numbers are listed for applicant's benefit.

Allowed Files & Publication	(703) 308-6789 or (888) 786-0101
Assignment Branch	(703) 308-9723
Certificates of Correction	(703) 305-8309
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If the information desired is not provided above, or a number has been changed, please call the general information help line below.

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August 26, 2003

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